

Senate Bill 150

By: Senators Shafer of the 48th, Pearson of the 51st, Hamrick of the 30th, Wiles of the 37th,
Moody of the 56th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to repeal Chapter 22, relating to junk dealers, and designate it as reserved;
3 to amend Code Section 15-9-60 of the Official Code of Georgia Annotated, relating to costs
4 relative to probate court, so as to correct a cross-reference; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
9 is amended by revising Chapter 22, relating to junk dealers, as follows:

10 "CHAPTER 22.

11 ~~43-22-1.~~

12 ~~As used in this chapter, the term:~~

13 ~~(1) 'Junk' means any used article of commerce which is composed principally of iron,~~
14 ~~steel, brass, copper, zinc, or their alloys, or any other base metals and which is commonly~~
15 ~~bought for the purpose of resale or refabrication, or both.~~

16 ~~(2) 'Junk dealer' means any person, firm, or corporation or officer, agent, or employee~~
17 ~~of any person, firm, or corporation who engages in the purchase of junk for the purpose~~
18 ~~of resale or refabrication, or both.~~

19 ~~43-22-2.~~

20 ~~No person, firm, or corporation or employee of any person, firm, or corporation shall~~
21 ~~engage in the business of purchasing junk in any county of this state without first~~
22 ~~registering his name with the judge of the probate court of the county in which he intends~~
23 ~~to engage in such business, the name to be entered upon a book in the judge's office, to be~~
24 ~~known as the junk dealers' book, and paying to the judge the registration fee as provided~~
25 ~~in Code Section 43-22-3.~~

26 ~~43-22-3.~~

27 ~~The registration fee provided for in Code Section 43-22-2 shall be \$1.00, which shall be~~
28 ~~paid to the judge of the probate court at the time of registration by each person, firm, or~~
29 ~~corporation and by the individual agent and employee of any person, firm, or corporation~~
30 ~~engaged in the business of purchasing junk in such county. After the initial payment, a~~
31 ~~registration fee of \$1.00 shall be paid annually by each junk dealer. All fees paid to the~~
32 ~~judge of the probate court under this chapter shall be and remain the property of the judge~~
33 ~~of the probate court, and the judge of the probate court shall issue to the person making~~
34 ~~such payment a proper receipt therefor.~~

35 ~~43-22-4.~~

36 ~~It shall be unlawful for any person, firm, or corporation or officer thereof or agent or~~
37 ~~employee of such person, firm, or corporation who is engaged in business as a junk dealer~~
38 ~~to enter upon the lands of another person, without the written consent of the owner or~~
39 ~~tenant in possession of such land, for the purpose of buying junk, or soliciting for the~~
40 ~~purpose of buying junk, or, after entering upon such land, to purchase or offer to purchase~~
41 ~~junk in any manner whatsoever.~~

42 ~~43-22-5.~~

43 ~~Any person, firm, or corporation or officer, agent, or employee thereof who violates any~~
44 ~~provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof,~~
45 ~~shall be punished by a fine of not less than \$50.00 nor more than \$100.00, or imprisonment~~
46 ~~not to exceed six months, or both. Reserved.~~

47 **SECTION 2.**

48 Code Section 15-9-60 of the Official Code of Georgia Annotated, relating to costs relative
49 to probate court, is amended by revising subsection (k) as follows:

50 "(k) Miscellaneous costs. Except as otherwise provided, the judge or clerk of the probate
51 court shall be entitled to the following costs for the proceedings, pleading, documents, or
52 services itemized:

- 53 (1) Application for writ of habeas corpus \$ 75.00
- 54 (2) Petition to establish lost papers, exclusive of recording charges 50.00
- 55 (3) Petition for or declaration of exemptions 25.00
- 56 (4) Petition to change birth certificate 60.00

57	(5) For all services rendered by the judge or clerk of the probate court through	
58	the entry of the final order, exclusive of recording charges, for any application or	
59	petition by which the jurisdiction of the probate court is first invoked for which	
60	no cost is set forth in this Code section or other applicable law	50.00
61	(6) Issuance of any order, including a rule nisi, in any matter for which the costs	
62	set forth in this Code section do not include all services to be rendered by the	
63	judge or clerk of the probate court, exclusive of recording charges	25.00
64	(7) Motions, amendments, or other pleadings filed in any matter for which the	
65	cost set forth in this Code section does not include all services to be rendered by	
66	the judge or clerk of the probate court, exclusive of recording charges, and no	
67	other cost is set forth in this Code section	10.00
68	(8) For processing appeals to superior court, exclusive of recording charges	25.00
69	(9) For issuance of writ of fieri facias (fi.fa.)	10.00
70	(10) For issuance of permit to discharge explosives	25.00
71	(11) For issuance of permit to discharge fireworks	25.00
72	(12) Application for firearms license (exclusive of fees charged by other	
73	agencies for the examination of criminal records and mental health records) . .	15.00
74	(13) For issuance of a replacement firearms license	5.00
75	(14) Application for marriage license if the applicants have completed premarital	
76	education pursuant to Code Section 19-3-30.1	No fee
77	(14.1) Application for a marriage license if the applicants have not completed	
78	premarital education pursuant to Code Section 19-3-30.1	35.00
79	(15) For the safekeeping of a will	10.00
80	(16) For issuance of a veteran's license	No fee
81	(17) For issuance of a peddler's license	10.00
82	(18) For issuance of a certificate of residency	10.00
83	(19) Registration of junk dealer <u>Reserved</u>	10.00
84	(20) Certification of publication of application for insurance company	
85	charter	10.00
86	(21) Recording of marks and brands, each	10.00
87	(22) Exemplification	10.00
88	(23) Certification under seal of copies (plus copy cost)	5.00
89	(24) Certified copies of letters of personal representative, temporary	
90	administrator, or guardian, each, including copy cost	5.00
91	(25) For issuance of a subpoena, each	5.00

92 (26) For filing and recording of oath or bond of any official, officer, or employee
93 of any municipality or authority within the county, each 5.00
94 (27) For filing and recording of oath or bond of county official or officer No fee
95 (28) For examination of records or files by employee of the probate court to
96 provide abstract of information contained therein or to provide copies therefrom,
97 per estate or name 5.00
98 (29) Recording, per page 2.00
99 (30) Copies, per page 0.25"

SECTION 3.

100

101 All laws and parts of laws in conflict with this Act are repealed.